

CAPTAIN FRANCIS CICOTT.

APRIL 11, 1850.

Laid upon the table, and ordered to be printed.

Mr. THOMAS, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, to whom were referred the papers of Captain Francis Cicott, of Detroit, Michigan, report :

That the claimant appears to be a citizen of great worth and respectability, and one who has rendered valuable services to his country ; that it also appears he has been sadly depredated upon by Indians, contrary to the laws of nations, and that, too, in consequence of the United States having failed to furnish adequate protection against savage incursions. But, as the United States, while holding out promises of complete protection to all of its citizens against all public enemies, does not insure them that its efforts to comply with those promises shall ever, under all possible circumstances, be entirely successful, it does not pay for losses that occurred despite those efforts at prevention.

An enemy may not lawfully destroy the individual property of the citizens of an invaded country. If an enemy violates the laws of war and proceeds to destroy the property of private citizens, the government of the invaded country does not make good the losses of its unfortunate citizens, and for this reason, among others : if it was once known to the enemy that the authorities of the invaded country indemnified the losses of its citizens, he would destroy everything within his reach, for the express purpose of exhausting the treasury of those funds that had been provided for the raising, equipment, and maintenance of fleets and armies with which to destroy or to drive him back to his own dominions. For, when a government has been deprived of its money, and has been plunged into debt, its means of resistance have been largely diminished. Men might, perchance, serve their country gratis in a time of great danger ; but still the army must be fed, and to feed men the government must have money with which to obtain provisions.

The claim of the petitioner seems to be based upon the fact that his property was most wantonly and maliciously destroyed by certain Indians, without any fault upon his part. It is an act deeply to be regretted, and one against the recurrence of which Congress will sedulously labor to provide, but for which it is not legally bound to indemnify. Unfortunately, from the earliest periods of our colonial history, good people have been harassed by similar devastations ; property to a huge amount has been destroyed by hostile Indians ; perhaps a hundred millions of dollars

would not indemnify the losses from this source since the arrival of the early colonists. To pay a part of these losses, would seem unjustly to discriminate between good citizens; to pay all, would be impossible, for many reasons. To open the door of the treasury to the payment of this class of claims, at this late day, would also be to open a door to innumerable frauds, against the perpetration of which it would be quite impossible to throw up impassable legal barriers.

The committee, therefore, find it to be their duty, in order to protect the treasury, to recommend the passage of the following resolution:

Resolved, That it is inexpedient to allow the claim of Captain Cicott.

The Pottawatomie, Chippewa, and Ottawa Indians,

		<i>To Francis Cicott,</i>	Dr.
1812.			
Aug.	To 2 mares and colt, Pottawatomies	- -	\$120 00
	2 cows, by the Chippewas	- -	50 00
	5 acres of wheat, destroyed by the Ottawa Indians		200 00
	4 do oats, do do do	-	120 00
	1 acre of potatoes, do do do	-	50 00
	10 acres of corn, do do do	-	400 00
	80 fruit trees, (apples) do do do	-	240 00
	10 acres of good fence, do do do	-	40 00
	11 hogs, do do do	-	44 00
	provisions, do do do	-	50 00
	fowls, do do do	-	5 00
			\$1,319 00

STATE OF MICHIGAN, *Wayne county, ss:*

Francis Cicott, claimant, being duly sworn, doth depose and say, that he is an American citizen, of the age of fifty-three years; that the above-annexed account against the Pottawatomie, Chippewa, and Ottawa Indians, of property destroyed, taken, and used by said Indians, as stated in said account, after the surrender of Detroit, by General Hull, in the month of August, or thereabouts, 1812, is just and true; that the articles named in said account were taken, used, or destroyed by said Indians at the time aforesaid by force, and without the consent of deponent; that the amount and quantity of the articles so taken, used, or destroyed by said Indians, as stated in said account, is correctly stated according to the best recollection and belief of deponent; that the prices as charged in said account are just and reasonable; that no part of said account has ever been paid by said Indians, or any person for them, or by the United States, but that the amount charged in said account is now justly due to him, deponent, from said Indians, on account of their taking, using, or destroying the articles named in said account at the time aforesaid; and this deponent further saith, that at the time above mentioned, when said Indians com-

mitted said depredations, stated in said account, he was a captain, duly commissioned, of a company of militia, under Colonel Gabriel Godfrey, stationed in the township of Springwells, about one and a half miles below Detroit; that he owned one hundred and eighty acres of land at the mouth of the river Rouge, six miles below Detroit, on which he had resided two years prior to August, 1812, and carried on the business of farming; that said farm was an old cultivated farm, and had been cultivated for ten years prior to deponent's going on to it by his (deponent's) father; that immediately after the war broke out in 1812, deponent was commissioned as captain as aforesaid, and left his farm and organized his company, and was regularly engaged in the active service of the United States until the capitulation or surrender of Detroit, when he, together with the whole American forces at Detroit, was detained as a prisoner of war; that about three months after the surrender at Detroit, he was permitted to return to his farm, when he found the whole band of the Ottawas (engaged in the war) camped on his farm; that the said Ottawa Indians continued upon said farm, and made it their principal camping ground and rendezvous, during the continuance of the war, or until the British were driven from Detroit; that the Pottawatomie Indians had their principal camping ground about three miles from his farm up the said river Rouge, and bands of said tribe were frequently at his house committing depredations upon his property; that scattering bands of Chippewas were also frequently on said farm, and committed depredations, as charged in said account.

And this deponent further saith, that said Indians, particularly the Ottawas, destroyed the wheat, oats, and corn, charged in said account, by turning their horses in his fields; that they dug up and eat the potatoes charged in said account, and some of the corn; that the fruit trees and fences were cut down and burned up by them; that the hogs, provisions, and fowls, as charged in said account, were stolen and used by them; that the two mares and colt charged in said account were stolen by the Pottawatomies, and the cows were stolen and killed by the Chippewas, or bands of said tribes, as proved by the affidavits herewith presented.

And this deponent further saith, that after General Harrison came to Detroit, he again received orders to muster his company and keep them in readiness; that he did muster them, and had regular monthly drills for about one year; that said Indians were very hostile to the Americans, and were in the constant habit of committing all kinds of depredations upon the property of all persons known or suspected of being American in feeling or sentiment.

FRANCIS CICOTT.

Sworn and subscribed before me, this 28th day of May, A. D. 1840.

THEO. WILLIAMS,

Justice of the Peace, Wayne county, Michigan.

STATE OF MICHIGAN, *county of Wayne, ss :*

Personally came before me, a justice of the peace in and for said county, Joseph Cicott, of the age of sixty-three years, who deposeth and saith,

that the said mare and colt which are charged in the account were taken by the Pottawatomies; also, five acres of wheat, to the best of my knowledge, were destroyed by the Ottawas; and the said mare and colt were worth, to the best of my knowledge, the sum of \$70; and the wheat was worth, to the best of my knowledge, the sum of \$200; also, four acres oats, destroyed by the said Ottawas, worth the sum of \$120; also, one acre of potatoes was worth the sum of \$50; also, ten acres of corn, destroyed by the said Ottawas, were worth, to the best of my knowledge, the sum of \$400; and further saith, that the said Ottawa tribes were camped on the premises of the said Francis Cicott during the last war about fourteen months, which time the depredations were committed.

his
JOSEPH + CICOTT.
mark.

Sworn and subscribed to before me, this 26th day of May, A. D. 1840.
JAS. BARRON,
Justice Peace.

STATE OF MICHIGAN, *county of Wayne, ss.*

Personally came before me, justice of the peace in and for said county, Alexis Delisle, of the age of seventy-two, who deposeth and saith that one of the two cows which are charged in the above account was taken and killed by the Pottawatomies. The said cow was worth, to the best of my knowledge, the sum of \$25. Also, the said deponent further saith that the grains mentioned in the above account were destroyed by the Ottawa Indians, and were worth, to the best of my knowledge, the sums mentioned in the said account. Also, further saith, that the said Ottawa Indians were camped on the premises of the said Francis Cicott during the last war; and further saith, that the said Francis Cicott did command a company as captain during the last war.

A. B. DELISLE.

Sworn and subscribed to before me, this 26th day of May, A. D. 1840.
JAS. BARRON, *J. P., county of Wayne.*

STATE OF MICHIGAN, *Wayne county, ss.*

I, Charles Pettit, clerk of said county, do hereby certify that Theodore Williams, before whom the deposition of Francis Cicott was taken, and that Joseph Barron, before whom the within depositions of Joseph Cicott and A. B. Delisle were taken, were, at the date of the taking of the same, justices of the peace in and for said county, duly elected and qualified according to law, and that their signatures respectively within written I verily believe to be true and genuine.

Witness my hand and the seal of said county, at Detroit, this twenty-eighth day of May, in the year one thousand eight hundred and forty.

CHAS. PETTIT, [L. S.]
Clerk, Wayne county, Michigan.

We, the undersigned, do hereby certify that we know Captain Francis Cicott, whose account of claim is hereto annexed, and that we have been personally acquainted with him for a number of years, and have always known him as a man whose veracity is unimpeachable, whose integrity is unquestionable, and whose moral character ranks high among his fellow-citizens as a man and as a neighbor. And we further certify that we have the most positive and satisfactory assurance, from persons now deceased, who were cognizant of Captain Cicott's services during the last war, as well as secondary evidence of those now living, that he acquitted himself in the service with valor, patriotism, and fidelity, worthy and creditable to the trust and confidence reposed in him. And we further certify that we have every assurance to believe that the account set forth as claimed by Captain Cicott is a true and just account for damages sustained by him during the last war, and, as such, as a small recompense for his losses, should be freely awarded him by a government never ungrateful for the service of its citizens.

Given under our hands, at Detroit, this 27th day of May, A. D. 1840.

ROSS WILLIAMS,
A. TEN EYCK,
GEO. R. GRISWOLD,
THEO. WILLIAMS,
JOHN McDOWELL,
C. MORAN,
WILLIAM RUSSELL,
B. WOODWORTH,
J. KEARSLEY,
JOS. CAMPAN,
JOSEPH VISGER,
D. J. CAMPAN.

I have been requested to state my knowledge of the character and services of Captain Cicott; and I do so with pleasure, because I have known him many years, and have known him to be a faithful citizen, and an honest man. In 1812 he was in arms against the British and Indians, and commanded a company of militia. He was brave and efficient, for I saw him under circumstances to try his courage; and, during the whole war, he was always ready to volunteer his services for the defence of his country.

I know nothing personally of his losses at the period of the capture of this place. But it is matter of history, that though the capitulation guaranteed security to the persons and property of the inhabitants, yet it was openly and shamelessly violated by the Indians, who stole and destroyed at pleasure, and frequently respected the persons as little as the property of the citizens of the Territory. The general facts connected with this state of things have long since been laid before Congress and the country. I have no doubt, from my knowledge of Captain Cicott, and of the conduct of the Indians at that time, that he suffered the losses he has enumerated.

LEWIS CASS.

DETROIT, *March 12, 1844.*